

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RICHARD NERY,

Plaintiff,

v.

No. CV 14-918 KG/WPL

MOTEL 6,

Defendant.

ORDER OF DISMISSAL

THIS MATTER is before the Court on Plaintiff's failure to file an amended complaint.

Plaintiff filed a Complaint, Doc. 1, alleging a Fourth Amendment violation, breach of contract, a Privacy Act violation and a violation of his right to privacy, on the grounds that Defendant Motel 6 released his personal information and whereabouts to the police without a warrant. Because Plaintiff is proceeding *in forma pauperis*, the Court reviewed his Complaint pursuant to 42 U.S.C. 1915(e)(2). The Court concluded that Plaintiff's Complaint failed to state a claim, dismissed Plaintiff's Complaint without prejudice and granted Plaintiff until December 22, 2014, to file an amended complaint. *See* Doc. 13. The Court warned Plaintiff that failure to timely file an amended complaint may result in dismissal of this action without prejudice. On December 22, 2014, the Court granted Plaintiff's motion, Doc. 14, for a 30-day extension of time to file his amended complaint stating that "Plaintiff may file an amended complaint on or before 1/22/2015." Doc. 15. Plaintiff has not timely filed an amended complaint and has not requested an additional extension of time in which to do so.

IT IS THEREFORE ORDERED that this case is **DISMISSED without** prejudice.


Kuan W. Gonzales
UNITED STATES DISTRICT JUDGE